

MAY 08 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

THOMAS TULLY,
Petitioner,

v.

HAROLD W. CLARKE,
Respondent.

) CASE NO. 7:16CV00296
)
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)
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)

FINAL ORDER

By: Hon. Michael F. Urbanski
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the motion to dismiss (ECF No 16) is **GRANTED**, the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and the clerk shall **STRIKE** this action from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This  day of May, 2017.

/s/ Michael F. Urbanski

United States District Judge